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the Ikhemrijen forbid warfare and alliances, with a result that, as a natural outlet for bellicose exuberance, brigandage is rife. 619 642

In the northwestern part of Beni Amart, in the *canton* of Ijaonen, the power of the Ikhemrijen prevents warfare and alliance; otherwise the government is purely Riffian in type.

In the Ghomara the Arab system of government is employed, with the customary alignment of kaids (leaders of tribes), khalifas (leaders of *fifths*), and sheikhs (leaders of *cantons*), excepting that all these officers are under the jurisdiction of a marabutic family of Tetuan.

Metalsa, except Asht Dris, Beni Bu Yahyi, and Beni Sidel and Beni Bu Ifrur of Galiya, employ a hybrid form of government in which there is no village council and the council of the great consists only of two or three men who meet in the market to administer justice for the region near it.

Mtiwa, Mestassa, Beni Bu Yafer, Ait Shisher, Masuza, Kebdana, Muziet, Rgheiwa, Ain Mediuna, Bab Wendar, Beni Ulid, Branes, and Burda had fallen completely under the Arab system before the time when Abd el Krim attempted to remodel the government. In the eastern section and in Mtiwa and Mestassa the kaid was euphemistically called by the Berber term *amghar* (councillor), and in the Senhajan tribes mentioned the sheikh was called *kebir el jama*, or "great one of the congregation."

DUTIES OF THE VILLAGE COUNCIL

The cases tried by this body and the matters it is required to regulate are as follows (the fines listed are only approximate): 623 692 685

Theft of eggs and of poultry. The thief must pay a fine of thirty dollars. If the culprit is a child, his father appears and pays it.

Theft of maize. Boys who steal early ripening maize are collectively fined five dollars. The injured farmer has the right to pick ripened ears from the terraces of the thieves' parents to the number which he has lost.

Cutting maize in adjoining terraces. Sometimes maize growing in adjoining terraces, owned by different men, ripens at different times. The owner of the later ripening maize may wish to prevent the owner of the other field from cutting his crop until both are ready, through fear that his own maize may be trampled in the process. This situation arises when it is necessary to enter one terrace by passing through the other. In this case the village council enjoins the owner of the early maize to wait until the other is ready.

Breaking branches of fruit trees. If goats or children break branches from a fruit tree, the owner of the tree brings the branch or branches to the mosque, where the village council counts the number of buds on the branch or branches. A *girch* (about five cents) is charged for each bud, the recompense to be paid the owner of the tree, and in addition a fine of twenty dollars must be paid.

Trampling vegetable gardens. This offense is punished by a fine of one to two dollars, with no restitution.

Policing orchards. During the harvest season the members of this body police the orchards of the *bons* during the night to prevent thefts.

Starting the grape picking. The village council, which has charge of allotting poor families to rich ones for the grape picking, exacts a fine of twenty dollars from anyone guilty of picking grapes before the signal is given.

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623 692 685

Picking windfall olives. Similarly, the head of each family must pay a quarter of a dollar for each member of his family who starts picking up windfalls before the signal is given.

Theft of olives. The outright theft of olives is punished by a fine of ten dollars.

Trespassing in order to pick grass. If a man catches a woman picking or cutting grass for her cow on his land, he may report her, and her husband will be fined one dollar. But to make such a report is considered mean and few are willing to do so.

Stray goats and cattle in the cemetery. When goats or cattle, either with or without the intention of their guardian, enter a cemetery, their owner is fined a quarter of a dollar for each goat, and a dollar for each bull or cow which entered.

[689]

Repair of irrigation ditches. If any farmer fails to send a man or men to work on a ditch, when he is required to do so, he is fined between two and three dollars per day per man.

Taking water illegally from irrigation ditches. This is considered a serious offense, and although it incurs but a five dollar fine, it always breeds bad feelings and often incites to murder.

[782] 623 692 688

Regulating attendance at prayer. To explain this function it is necessary to anticipate the discussion of religion. Each *bone* in the *canton* is required to send twenty-five men once a week to the common mosque of the *canton* to pray. The village council of each *bone* lists the names of all married men in the *bone*; a day is set for each *bone* to attend the mosque, and the *bone* keeps that day permanently. The first week the first twenty-five men on the list must go, the second week the second twenty-five, and so on until the list has been exhausted, when the procedure starts all over again. If the number of married men in the *bone* is not evenly divisible by twenty-five, those forming the remainder at the foot of the list are supplemented by enough at the head of it to fill the number, and the rotation starts anew. It is the task of the village council in whose territory the cantonal mosque is situated to see that twenty-five men appear from each *bone* on the allotted day. If a *bone* is so small that it does not contain twenty-five, it is combined with another *bone* for this purpose.

If the members of the village council of the mosque territory find that a quota is not full on a certain day, they fine the man who has defaulted five dollars. If this is not paid promptly the council of the great steps in and fines the guilty *bone* between two and three hundred dollars. If a man is away on a journey his name is temporarily stricken from the list and the following names are moved up one place; if he is ill or for some other reason unable to go, he is allowed to send a substitute. If a man falls ill on the way, becomes wounded, or is otherwise prevented from reaching the mosque when it is too late to obtain a substitute, his absence is excused.

The fines thus extracted, the proceeds of which go for the upkeep of the mosque, formerly consisted of walnuts, almonds, figs, or raisins. Later, when sugar was first imported, two sugar cones were assessed. Later still the money fine was introduced.

623 681 651 692

Providing for exiles from other fifths. When a man has been exiled by the tribal council for a year, two years, or more, he must pass to a different *fifth*, preferably to a *bone* in which he has friends. The village council of the *bone* collects an assessed portion of the crops of every farmer and gives it to him. This it does for the first year only. If he remains more than a year he must work as a share-laborer for a farmer and earn his living. If a farmer refuses to give his assessed portion it is taken by force, and twofold. Such refusals are, however, almost unknown.

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Entertaining councillors of another tribe. If the councillors of a strange tribe stop at a village for the night, the local village council has charge of their entertainment. They first provide a house for the guests by expelling some childless man and his wife from their dwelling for the night. They then collect foodstuffs. Bread and all fruits, both fresh and dried, nuts, and vegetables, are assessed from rich men without payment. Meat, sugar, tea, candles, oil, pepper, butter, and poultry are purchased from members of the *bone* willing to sell them. The boys of the council buy the poultry from widows, and eggs as well, if no one brings them voluntarily. Anyone refusing to supply the bread assessed him may be fined ten *soldi* a loaf; but since no one has ever been known to refuse, the fine is purely theoretical. If in buying those articles not given, the members of the council spend more money than they have in the fine treasury, they pay the excess amount themselves, later collecting it in equal portions from all the men of the *bone* who have been married one year or over. They themselves act as cooks for the visiting councillors. 623 574 651 687 692

Entering council chamber unbidden. If any member of the *bone* enters the council chamber while the council is deliberating, the intruder is told to remain and is given tea. When at length he departs, a member of the council is immediately sent out to call him back. This time he is reprimanded for having entered unbidden, and is fined between two and three dollars. 623 687 692

Conversing with women. If a man or boy speaks to a married woman belonging to a *bone* other than his own, on the path or in any other public place, except the market, the village council of the village to which the woman belongs summons the offender and fines him five dollars. If the offender repeatedly seeks out the woman, or loiters about places she is known to frequent in order to converse with her, the village council of the offender's own *bone* fines him between fifty and sixty dollars. If the offense takes place in market it is considered more serious, and comes before the council of the great.[1] These rules do not apply to unmarried women, who may be spoken to, in a respectful manner, by anyone. 623 692 689

Quarrels between women. When one woman injures another with a stone, stick, or other implement, the village council collects a fine of from five to six dollars from the husband of the aggressor. The council generally hears of such cases through gossip, since the husband of the injured woman is usually too ashamed to report it. 623 692 [683]

Entering a cemetery occupied by women. If a man or boy enters a cemetery when the women of the *bone* are convening there on a Friday or holiday, he is fined five dollars. [689]

Entering a saint's tomb occupied by women. If a man or boy enters a saint's tomb in which women are convening, the village council fines him from fifty to a hundred dollars.

Fighting with the hands. If two men fight with their hands, without using any weapon, the village council determines which man started the fight and fines him an amount commensurate with the injury done. [683]

Speaking to an enemy. If a man is caught conversing with a member of a hostile *bone*, at a time when war is either in progress or imminent, the village council of his own *bone* fines him fifty dollars. [687]

In the tribes and territories where there is no village council, the rendering of justice in small affairs which is the work of this body is not performed. For example, one man may cut down another's tree or take his grass without any fine or other official reckoning; he can likewise speak to a woman of another *bone*; but if he does these things he incurs the wrath 627

[1] See below, p. 102.

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627 of the men affected, and may thus start a feud which will end in killings, after which it becomes the concern of the councillors to render justice.

In regions where the Arab form of government has supplanted the indigenous type, such affairs are decided by the sheikh.

DUTIES OF THE COUNCIL OF THE GREAT

623 This council, which is the governing body of the *canton*, does not convene as often as the village council, but comes together only in market and when some occasion demands it, its moderator then sending for the members. In *cantons* which have no markets, the council of the great has no regular meetings.

Supporting the village council. If anyone who has been fined by the village council refuses to pay it, that body sends a messenger to the moderator of the council of the great. The moderator sends for the members, who come armed to a place previously agreed upon and proceed in a body to the house of the offender. There they assess upon a him fine several times that originally imposed, amounting usually to between fifty and two hundred dollars, depending on the offense.

623 692 [685] *Theft of livestock.* A man who has stolen sheep, goats, cattle, donkeys, mules, or horses is summoned before the councillors and fined between a hundred and two hundred dollars, besides being forced to restore to his victim the animals stolen, in cash or in kind. The theft of camels does not incur jurisdiction because of the lawless condition of the nomads who own them. Such a theft simply results in a fight.

[683] *Fighting with sticks.* The councillors decide which of the parties is at fault and fine him fifty dollars. If the *bone* of the injured man is a strong one, the councillors force the culprit to bring a goat, bread, tea, and sugar and go with them to the house of the injured man to present him with a feast. Such a feast, provided by visitors to the house, is a strong act of compulsive magic and cannot be disregarded. The recipient of such a favor must grant any request made and cease enmity against the giver. If the *bone* of the injured man is weak, no precaution of this nature is necessary.

[689] *Shooting at a man but missing him.* He who shoots at another without hitting him must pay a fine of one hundred dollars to the councillors.

[689] *Speaking to women in market.* This offense is considered greater than that of speaking to women in any other place. It is settled by the councillors of the *canton* in whose territory the market is held, and is punished by a hundred dollar fine.

Entering a women's market. For a man to enter a market which is restricted to women is an offense as serious as that of speaking to a woman in a common market, if not more so. It is punished by a fine of a hundred dollars, paid to the councillors.

623 692 684 *Adultery which the injured husband does not discover in the act.* If a husband hears that his wife has been unfaithful, but did not actually witness such an event, he is not allowed to kill the suspected man without incurring the penalty for ordinary murder. He has the privilege of bringing the matter before the councillors, who fine the suspect, if they are reasonably sure of his guilt, between a hundred and two hundred dollars. They forcibly divorce the woman from her husband, and forbid her to remarry him or any other man. Women so divorced return to their parents to live. Such a woman often becomes a prostitute, plying her trade with the greatest secrecy possible. If she is caught doing this, the

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man with whom she is involved is punished just as was the first convicted offender. If she has been publicly exposed several times as a prostitute, the men of her *bone* kidnap her, carry her into the mountains, and there kill her and hide her body. No notice is taken of her absence, and if the councillors hear about the affair they pretend not to have done so.

If a woman catches her husband in the act of adultery with another woman, she ordinarily goes back to her own people and tells them of it. The men of her family, her father, brothers, or paternal uncle, may bring the matter up before the councillors and have the husband fined and divorced. In many cases, however, the men of her *rein* persuade the woman to do nothing about it, thinking that to make a commotion would only cause the disruption of the *bone*. In case the woman has married outside her *bone*, whether or not action takes place depends largely upon the respect which her own *bone* has for that of her husband. In any case, the sacramental defilement of the man is not considered as great as that of the woman in the opposite situation.

Blood money. Although murders, woundings, and adultery caught in the act are offenses beyond the jurisdiction of the council of the great and are relegated to the tribal council, one consequence of them falls directly upon the councillors. This is the assessment and collection of the *diith*, or blood money. Whereas the tribal council has the right to impose the fine, the council of the great has charge of compensation to the injured family. This takes place after the tribal council has finished its judgment and punishment. Murder is atoned for by the payment of a sum between one and five hundred dollars. The amount varies from *canton* to *canton*, but within a *canton* is constant and inflexible. Wounds are paid for at the rate of twenty-five dollars a month for each month of convalescence, until the injured man is able to work again.

The man who committed the crime pays, if he is able. If he is unable to raise the money by selling his property, the *bone* pays. In some *bones* the group as a whole always pays, whether the guilty one is able to raise the money or not; in others a man other than the guilty one pays, with the understanding that he is to receive the total of the next blood-money payment to his *bone*.

In the *bones* which pay individually, receipts are given to the children of the deceased, and if he left no children, to his father. Children receive the money on the basis that one boy is equal to two girls. If the deceased leaves neither children nor father, it is divided among the members of the *bone*. Many *bones* refuse altogether to receive blood money, preferring to take it out in blood by killing a member of the hostile *bone*, in which case, after the punishment of the tribal council is finished, the account is considered by the councillors as settled. Frequently the injured *bone* accepts the blood money, then suffers a revulsion of feeling and takes blood vengeance in addition, in which case it is required to return the payment.

Murders within the *bone* rarely occur, and are considered unnatural crimes. No blood money is assessed, because such an offender is instantly killed by his own people if he is unable to escape. A man fleeing such a crime will not be harbored by any Riffian, and must continue until he has left the Rif altogether. Even in this case he must take care to go to some place to which Riffians do not ordinarily travel, lest revenge overtake him later.

Attending weddings outside the canton. Another duty of the council of the great, this time of a bloodless nature, is to attend weddings of other councillors or their sons in other *cantons* or *fifths*. This is done in order to foster friendly relations between the two groups.

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623 The councillors go in a body, taking with them twenty or more girls adept at singing and dancing, hired musicians, a bull or cow, two or three mules laden with bread, and quantities of tea, sugar, and candles. The cost of the presents and the fees of the musicians are paid out of money collected in fines.

DUTIES OF THE TRIBAL COUNCIL

646 692 The task of the tribal council is to render judgment, exact fines, and destroy property in cases of adultery caught in the act, murder, and woundings; to make decisions as to tribal alliances in warfare; and to interfere with internal fights in other tribes.

684 837 *Adultery caught in the act.* A husband who surprises his wife in the act of adultery has the traditional privilege of killing the man, removing his genitals and placing them in the mouth of his corpse, killing his wife, and ripping her from pubis to diaphragm with a knife. This action is a privilege and not a duty. Many husbands are physically unable to do so; others are disinclined; still others mutilate their wives by cutting off the fleshy parts of their noses and let them go. One instance is known in Gzemmaya of a man who thrust live coals into his wife's vagina and then released her. In at least half the cases, recently at any rate, no revenge is taken on the woman, her divorce and disgrace being considered ample punishment.

646 684 692 When the members of the tribal council hear of this event, they leave whatever they are doing and go as rapidly as possible to the adulterer's house. This they burn; they impose a fine of one thousand dollars or thereabouts, depending on the usage of the tribe, and on the importance of the *bone*. The fine is accepted either in cash, livestock, land, or in all three. When land and livestock are taken they are sold on the spot, not by bidding but by arbitrary prices, fair to the victim, placed on each animal or portion of land. If the proceeds of the sale exceed the amount of the fine, the balance is returned to the *bone* of the adulterer. If the adulterer and the adulteress belong to different *bones* the burden of the fine is shared between the *bones*. If the adulterer has survived the vengeance of the injured man he must leave the tribe forever. Women who survive go back to their families, forcibly divorced and forbidden to marry again.

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684 After the cash of the fine is in hand, it is divided among the *fifths*, each receiving an equal share, to be divided evenly among each *canton* composing the *fifth*. Thus the *canton* of the offenders receives back a portion of the money which some of its members have paid. It often refuses to accept this, in which case the money goes to the actual payers. *Cantons* friendly with that of the adulterer may likewise refuse to accept, and their money too is returned.

646 692 683 *Wounding.* When one man wounds another, the tribal council comes to the offender's house and exacts a fine of five hundred dollars after questioning the councillor or councillors belonging to the offending *bone*. The fine is always paid by the *bone* as a whole, whether the blood money is or not.

646 692 683 621 *Murder.* When one man murders another, whether or not in retaliation for a previous murder, the tribal council comes to his house, which it burns, providing it dares to. It cuts down the fruit trees and inflicts a fine of a thousand dollars. If the man and his *bone* refuse to pay the fine and resist the burning of the house or the cutting of the trees, the members of the tribal council attack them. This fight may last anywhere from a half hour to several months, and may turn into a war. If the *bone* which has refused has no allies, it seldom wins,

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but there are few *bones* without allies. The allies in the tribal council draw apart as inconspicuously and as quickly as possible and start shooting at the rest of the tribal council. The *bone* which has refused sends messengers to talk with various councillors and to persuade them to join their side, promising money and women. In this way there are generally two sides fighting each other before the day is over, and they stay there and fight until one side has won. If the tribal council wins and succeeds in burning the house of the murderer, it burns the rest of the houses of the *bone* as well, and cuts down as many of its trees as it desires.

The *bone* then flees in a body to another *fifth*, to another tribe, or out of the Rif entirely. If the members, thinking already of vengeance, cannot stand the sight of their trees being cut down and their houses being caved in, they select a bull from the herd which they are driving into exile with them and entrust it to the leader of the mosque or to a student, who leads it back into the presence of the tribal council and slaughters it there. If this is done the tribal council is compelled to let them go back again and to permit them to pay the fine. Once the bull is slaughtered the tree-cutting and other destruction must cease. Many *bones* are too proud either to pay or to send a bull, so that they become destitute and homeless through their pride, providing they are not strong enough to defend themselves against the tribal council.

A *bone* may thus be expelled from a tribe, permanently or temporarily. A *bone* which is continually making trouble and causing feuds may be the subject of a special meeting of the tribal council, which decides to exile it from the tribe either permanently or for a given number of years. Killing people on Mohammedan feast days or during the month of Ramadan is one of the strongest reasons for the expulsion of a *bone*.

This habit of exiling *bones* has been going on for so long that there are today numerous colonies of exiled Riffians living outside the Rif. Such are colonies of Beni Urriaghel in Oran and in Tangier; of Beni Amart in Ain Leuh, on the Wergha, of Beni Amart and Beni Hadifa at Armeila, on Wed Teheris; of Beni Tuzin at Zerhoun; of Temjunt of Gzennaya in Ain Mediuna (Beni Gzin); of Beni Yunes of Gzennaya at el Kob, in the Senhajan tribe of Beni Ulid; and the Ulad Abd el Mumen of Iherrushen of Gzennaya at el Mta outside of Fez. Most of these exiles could now go back if they so wished, but they have been away for so long, in many cases for generations, that they no longer have any desire to return.

Sometimes a murder spreads into a feud and from a feud into a war so rapidly that before a tribal council can come together to deliberate the councillors find themselves fighting on one side or another, in a tribal war.

Murder often leads to immediate revenge, and immediate revenge to a feud between *bones*. The feud may be a bitter one, in fact a pitched battle, in which may join other *bones* allied of old to one or other of the principal combatants. Most allies, however, are made anew on the occasion of each war. An alliance is called *liff*; it belongs more properly under the heading of magic than under that of political organization, but must be discussed at this point if the complexities of Riffian warfare are to be understood.

A *liff* is a shame-compulsion laid by one *bone* on another, a magical act which forces the second *bone* into alliance with, or at least toleration of, the other. By making *liff* with a number of other *bones*, a *bone* may increase its fighting force many times, and by both sides industriously making *liff* with others, a general war starts, in which there may not remain enough of the tribal council to make its convening worth while.

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of land under cultivation which he possesses; it also assures the collection of the market tax, a small tariff paid by each man to the market *amīn* on the animals and produce which he brings into the market to sell. The money is destined for «fractional» use entirely: upkeep of the market, digging a new well, or for any purpose which pertains to or is of interest to the «fraction» in general. The *shaikh* of the «fraction» is responsible to the *qā'id* for the assessment and collection of this money, while the *qā'id* himself takes direct charge of matters which involve the caidato as a whole. In another building in the market place, the *qāḍī*, also assisted by a *khalīfa*, administers the Sharī'ā, which at the present time has largely supplanted the old Riffian *'urf* or customary law.

This form of government, based entirely on the Arab system, has completely superseded the old regime of the *Aith Arba'in*, of the *imghāren* (sing. *amghār*), the family and village headmen who, in each «fifth», used to make up its governing body in the days before 'Abd al-Karīm. The powers of the *imghāren*, who also used to meet in the market, were much more extensive than those of the modern «fractional» junta, and included assessment and collection of fines for theft of livestock, for talking to women in the market, for suspected but unproven adultery, and the collection of blood money (*dīyath*). These duties and the unwritten customary law which governed them have all been substantially assimilated by the legal jurisdiction of the Makhzin and by the Sharī'a.

Although in the old days there was no higher body politic than the *imghāren* of the «fifth», those of all five «fifths» used to meet together at a place called *aghrau* (p. *ighrāwen)*, the location of of which had previously been announced in the market by the *barrāḥ* or market crier, in case a crisis arose which assumed tribal proportions. In case of adultery caught *in flagrante delicto*, the injured husband had, and still has, the traditional privilege of killing his wife and her lover with exemption from payment of blood money. In case of murder committed on profane ground, the murderer had to pay a fine *(ḥaqq)* of 5.000 pesetas to the *imghāren*, and blood money amounting to 6.000 pesetas to his victim's family, provided the latter chose to accept it. If they did not, as was usually the case, a feud was in full swing inmediately, and the council members, lea-

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691 newer system on all the tribes in his domain if they did not have it
175 already. Although the *imghāren* loomed large in the early battles
178 of Ighrīben and Anwāl in 1921, their status had become reduced to that of *quyād al-miya* or *quyād al-miyatain* (*qā'ids* of 100 or 200 men) by the time the *Jumhūrīya Rīfīya* or Riffian State was officially created in 1924. Almost all the men in key position in the new government were from Aith Wuryāghīl but *quyād*, *shiyūkh* and *muqaddamīn* took the place of the old *imghāren;* some of the latter fell in with the new regime and became prominent military commanders, while others, like those of the Ghumāra, jealous of 'Abd al-Karīm's success, staged a revolt against him in 1924 and were quietly poisoned or taken off to die in the jails of Ajdīr and Thamāsīnd. By the time 'Abd al-Karīm had conquered the Jibāla and captured his rival Raisūlī in 1925, he was master of all northern Morocco.

692 The natural supplement to this Arabization of the old Riffian
671 political system was the substitution of the Sharī'a for the earlier
178 customary law. Before 1920, custom, or *'urf*, had been king. If a case had arisen which had previously been unprovided for in Riffian law, the *imghāren* met to discuss it. When they agreed upon a solution, which was usually expressed in terms of payment of such and such a fine, the local *sharīf* or any man whose piety and good sense was known and respected by all was called in to give his testimony and sanction to the law in question, if it did not run counter to the Sharī'a. After the law was passed it was registered by the *ṭulbā* or students in the Friday mosque, and proclaimed in the market by the *barrāḥ* (18). These were the only steps necessary to integrate that law into the corpus of tribal custom. It was, in all but the most serious offenses, as we have seen, the «fifth» or the *farīqath* or even the village rather than tribe collectively which made the law and carried it out.

As has been implied above, 'Abd al-Karīm greatly weakened the power of the *imghāren* by centralizing the political authority in himself as head of a new Muslim state. This state was set up to conform to an orthodox Islamic pattern, and therefore the old customary law had to go. It went, and the result was that the Sharī'a was administered according to the Mālikī rite by a *qāḍī* in each «fifth» of the tribe. The weekly markets, in addition to their earlier functions as

(18) Blanco Izaga, 1939, p. 20.

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commercial and governmental centers, became legal temples as well, when separate tribunals were also set up for the *qāḍīs*, their *khalīfas* and their *'adūl*. In the old days there had been *qāḍīs* too, but they operated on a far more informal basis; they held court in their own houses, and, in actual practice, they acted more as arbiters of Berber custom than as administrators of Islamic Law, while, as Blanco remarks (19), the *'adūl* limited themselves to registering acts passed by the customary tribunal. The *imghāren* were the people who counted, and, until 'Abd al-Karīm's time *qā'ids*, *qāḍīs*, *muqaddams* and other functionaries with Arab titles were largely negative concepts in Aith Wuryāghil and in the other tribes of the Central Rīf. Today, of course, the situation has been reversed; there are no more *imghāren*, while customary law operates on the village level alone, and plays second fiddle to the Sharī'a even there.

A political reorientation toward an Arab governmental prototype thus became a mechanism for the preservation of Riffian freedom. But 'Abd al-Karīm's carefully constructed Jumhūrīya Rīfiya was short-lived; it collapsed like a house of cards in 1926, two years after its foundation, when the tribal fastness of Aith Wuryāghil was itself invaded from the north by Spain and from the south by France, at which time the Wuryāghlī commanders in the Jibāla and on the Wargha River rushed back to defend their own homes. Nevertheless, in the framework of 'Abd al-Karīm's Riffian State the Spaniards found a ready-made administrative set-up which has continued, with only minor alterations, to the present day. When the Riffian leader first came to power, he installed *qā'ids* in the *rubū'* of Aith Yūsuf u 'Alī and Aith 'Alī and in the «fifths» of Imrābdhen, Ait Ḥadīfa, Aith 'Abdallāh and Aith Bū 'Ayyāsh. Later on, when the French Army began to push up into the Central Rīf from the south, he added two more caidatos, Turīrth-Thimārzgha and Aith 'Arūs, to tighten up his control over the unruly mountaineers in the southeast part of the tribe. After the war the Spanish administration maintained this chain of command, setting up tribal «intervención» posts in Ajdīr, Thamāsīnd, Aith Ḥadīfa (Sūq ath-Thnain), Aith 'Amar u Sa'īd (Aith Ḥadīfa), Turīrth (Sūq al-Arba'), and Imnūdh (Aith Bū 'Ayyāsh). In 1934, however, they subdivided the tribe into the three aforementioned

(19) Blanco Izaga, 1939, p. 26.

3: Hart E-5 (1953-1954)1954 MX3 Rif MX3

rīrth in the mountains, specializing both in grapes and, until recently, in contraband, for to it come many people from over the border of the French Protectorate, in Giznāya.

Important as is the commercial aspect of the weekly market, its underlying significance as a social and political center is perhaps even greater. Its opportunities for social intercourse are obvious, while the *barrāḥ*, who belongs to a debased and endogamous caste of gypsy musicians called *Imdhiyāzen* (sig. *amdhiyāz*) from Aith Tuzīn, wanders through the *sūq* announcing to the listening throng the latest decisions of the *qā'id's* tribunal and the noteworthy news items of the day. Storytellers and itinerant members of religious brotherhoods, such as tre Buhālīyīn of Bani 'Arūs in the Jībāla, put on shows for the people's benefit. As the site of the market is usually near a saint's tomb, visits to the shrine and contacts with living *shurfā* present serve to reawaken religious enthusiasm. The *maḥkāma* of the *qā'id* meets in a special building, and in another one the *qāḍī* judges individual cases according to the Sharī'a, while his *'adūl* are busy drawing up legal documents concerned with wills, inheritance, marriage, divorce, property and irrigation rights.

Since the Spanish occupation, the role of markets in tribal life has, if anything, increased in importance. In the old days, although the market was a thriving economic and social institution as such, there was little or nothing aside from the knowledge of the local people to indicate its location on days of the week when it was not being held. After the surrender of 'Abd al-Karīm, however, many market sites became headquarters for the «interventor», or Spanish tribal administrator. There are three such in Aith Wuryāghil today: Imzūren (Uṭa), Aith Ḥadīfa (Upper Ghīs), and Turīrth (Nakūr), while Ajdīr, overlooking the Bay of Alhucemas and formerly the seat of 'Abd al-Karīm's government, now functions as capital of the whole «Comarcal de Beni Urriaguel». In all these market sites, villages with a permanent Muslim and Spanish population have mushroomed up around the seats of «intervención». With the extension of their earlier functions as social, economic and political centers, the markets have at the same time become points of tribal control on the part of the Spanish administration. A reemphasis on the essen-

794 871 completely independently of the French authorities, and is done as a rule in areas which generally lack the most elementary conditions of hygiene and sanitation; and pedagogical procedures are very antiquated and inefficacious, and are limited to instruction of the Qur'an....

[872] [873] Almost all the schools are of "primary instruction", and those dedicated to "secondary instruction" are few and far between[166]. Some

[829] [876] students cross the border to study in the Axt Tuzin, Aith Waryaghar and Thimsaman, not because the schools in those tribes are better, but because the Rifians believe a youth studies better if he is away from his family....The students, or imhadaren, eat the ma'ruf[167], and their teachers generally are given honoraria in kind.

692 4) Judiciary Organization:--There is a qadi in Aknul who serves all of the Igzinnayen, and he holds court every Tuesday, which is market day in Aknul, and once a month in Tizi Usli (market day on Mondays) and in Buridh (market day on Wednesdays)...

312 103 5) Water Points:--The area which is richest in springs is that of Jibarna, in the Asht r-Udha, in which the following springs are to be found: 'Ain Ta'amt, 'Ain bin Husain, 'Ain Khannus, 'Ain Bu Twilal, 'Ain Rahab, 'Ain Ulad bin 'Amar, and 'Ain Dar Qa'id Midbuh. In the Asht Mhand, there are two large springs in 'Ain 'Allal; and in Asht Marar, there are 'Ain Barda, 'Ain Fargugen, 'Ain Hmid, 'Ain Darduren, 'Ain Marja, and 'Ain Tassa[168].

619 [631] 6) Political Situation and Way of Life:--This tribe never formed part of any confederation, and in spite of the feuds to which we have referred above, it has always maintained its geographical and organizational unity. Today it may be said that there are no ostensible

000 [114] paradoxically, a "fifth" is larger than a "fourth"--so he employs "canton" to avoid confusion. He has failed to see that essentially, the two terms are interchangeable (a fact which once again underlines the fluidity of Berber and Arabic social unit terminology) and that ar-rba', which is almost always used to denote maximal segments in tribes possessing less than five of these, is also employed, more often than is khums, to designate the five maximal segments of tribes which do have "fifths".

[343] [114] [113] 23--There are no collective storehouses in the Rif proper, as there are all over the Atlas, and here Blanco has committed a major error. However, Montagne has signalled their presence in parts of the Ghmara, to the west of the Rif. See R. Montagne, Un Grenier Collectif de l'Anti-Atlas: l'Agadir des Ikoumka, Paris: Larose, 1930.

24--It is somewhat difficult to understand precisely what Blanco means in this connection. However, his MSS. chapters on religion and economics were only evidently projected, and never written.

25--Dhaddarth is properly "house", and dhimssi (lit. "fire") is "hearth", whereas the normal word for nuclear family is nubth, pl. nubath, lit. "turn".

26--In the original, la major fuerza y derecho es el de los mas fuertes. Indeed, Rifians themselves generally conceptualize the cultural goals of their society during the 'Ripublik' in very similar terms.

27--In the original, un contrato de compraventa. Marriage is indeed conceptualized contractually in the Rif, as elsewhere in the Muslim world, but it need hardly be pointed out that compraventa, "buying and selling", is highly misleading.

28--The word "absolute" is, in this connection, of course, extreme; but, considering the position of women in Spain itself at the time, it is interesting that a Spaniard should have employed it.

29--The marriage contract document, or zujiya, is written (both today and as far back into the past as any Rifian's memory goes), in conformity with the Shari'a. It says, in effect, that A, son of B, has married X, daughter of Y, in the presence of C, D, and E, and is signed by a qadi (judge of Shari'a law) and two 'adul (sing. 'adl), [114] or notaries public. Blanco is in error in saying that the zujiya document was unwritten until recent times, because during the "Republik" period, the fqih or schoolmaster of the local mosque--a man who was and is usually only slightly more literate than his constituents--drew it up. It is in any case axiomatic in the Rif that whatever other cases (primarily criminal) that he did not handle, [692] a qadi invariably resolved all matters pertaining to: a) marriage, b) divorce, and c) land. This means, in turn, that in all these cases, the necessary documents were drawn up in Arabic--at least theoretically!

[114] 30--This is not so today, nor, we suspect, was it so in the past. Every Rifian has a number of documents, all carefully guarded in his house; and, in addition, most holy men or shurfa have always had genealogical family trees to prove the "genuineness" of their own pedigree.

000 was capable of facing the wrath of the members of a dharfiqth who thought themselves to have been wronged in a legal decision and who were now blocking his path?

628 443 [691] The Rif is an area of warrior tulba; and the "poetry" of the Rifian Maghrib would have dealt with the firing of shots during the course of a feud or raqba[7] and the blood of victims whose bodies fall into canyons and gorges after sunset; for the qanun of the Tuesday market (now defunct) of the Aith 'Abd Allah clan establishes the validity of the agreement in question from the hours of dawn until dusk, on market day, after which time everyone shelters himself and his animals inside his house as fast as he can; and a guard is mounted with a rifle. The daily and weekly truce is over[7a]. And even in Spanish times, after 628 692 671 [648] the pacification, there is the story of the qadi who did not dare to return home unless accompanied by a pair of armed mkhazni-s[8], who represented the protection of the Makhzin in its most elementary form. And in the mahkama (tribunal building of qa'id or qadi), more than one qadi has been intimidated by exasperated litigants! If such things have happened during Spanish times, threats made during the "Republik" must have been far worse--"I'll hang you from a tree, mmis nj-haram!" or "I wonder what you'd look like without a head, mmis n-dhit!"[9]

671 177 As I see it, the Rifian follows the Shari'a in all instances in which customary law cannot help him, either because it has been forgotten or because in such and such a case it is no longer applied. As he is both a practical man and a believer, there is no reason for the Rifian to deny himself the advantages of the Shari'a, but when, instead of these, he encounters a situation which is prejudicial to him (such as

798 front of men[27] are also rejected, as are ululations made by the women
585 on behalf of the groom when he enters the bride's room. (In the Bni Hmid[28], the bride is carried on the shoulders of volunteers to the groom's house; she does not, as elsewhere, ride a mule. In the same tribe, on the first day of the 'Aid, the men, on coming out of the mosque, greet the women, who are waiting for them in a line, one by one)

E) Procedure:

692 Jural proceedings in the Rif are conducted in front of the
623 jma'th, personalized by several individuals (in one qanun, that of the Imhauren of the Aith 'Ari clan, by a triumvirate) who meet daily[29] in a central location known to all; under a large tree (usually carob or wild olive), at some water point, or in the mosque. Here the men come with the iziddjifen, and the old and sick men, to sit in the sun, to talk, and perhaps to take a siesta.

695 Procedure is as follows: the plaintiff comes to the area chosen, and, in most cases, both contestants present themselves there, each explaining his reasons without, however, coming to the central point. If he is a stranger, boys and villagers accompany him to the site and there they give the reason for his presence. Ordinarily the question is apt to be settled amicably right there, if it is not an important one; but if this is not the case, for example, and if one of the parties does not agree, the proceedings are extended somewhat longer, as he might request an evaluation by a specialist in such matters, or offer to provide witnesses[30] or other modes of proof; and he sets the time--or
[623] one of them asks to swear. The jma'th, e.g. all of those men present (not all the men of the village nor even nearly all of them) lets the

695 696 623 At other times they decide to submit the resolution to the clan council on the next market day; but when the judgment, which is both swift and free of charge, has been rendered, the individual responsible can only comply with the council's decision; and he must do so not only more than rapidly, but virtually explosively, or be sentenced by his neighbors and his peers. If he resists, his only recourse is to take up arms, as everybody else is now after him, and this in itself obliges him to do so. The proceedings are rapid and gratuitous, as aforestated, except if experts are called upon to intervene; they are given an honorarium, the amount of which is determined by the custom of the tribe in question, and consists of such and such a percentage of the value of the appraised object or the object of the litigation[32].

692 695 Thus, true jural procedure, for the Rifian, is to render public any offense or injury he has suffered, and to gain adherents to his point of view. First his family or kin group wants to intervene on his behalf, then his social grouping (properly: his lineage), and finally his liff, his last recourse. This multiplies the various contingencies and unsuspected turns the case may take ad infinitum, and tends to render useless any reclamations against an offender who is more powerful than the injured party. The latter may not take any action against him, but will often afterwards wait in ambush for him in order to redress the wrong! It is a procedure which.....awakens manliness and courage.....

[691] [613] A good example of the executive procedure in criminal law is the qanun between dharfiqin[33].

000 Bshara, or procedure of recuperation[34]. (No text here whatsoever: translator's note.)

000 does it for him, or to the jma'th if no one does so.

684 f) Anyone who commits an act of bestiality must pay for the fodder of the assaulted animal for one day; and among the Aith Waryaghar, he must pay for its packsaddle as well as a 50-peseta fine, and he is cursed by the market crier in the market[74].....

2) Among the Aith 'Ammarth:

685 a) A blacksmith of....asked the qadi for a room to live in. It was given him, and in it he raised chickens, which began to eat the qadi's barley. The qadi claimed compensation from him, saying that he had to kill the chickens and leave the house. He refused to do so, 685 and made a reclamation to the shaikh, who said he was in the right. 692 Then a member of the qadi's family poisoned all the chickens, and the blacksmith complained to the mqaddim. The jma'th, as a result, met in the mosque and fined the qadi 18 duros, of which the blacksmith received only two or three.

582 b) In the village of Aith Finathen, clan of Aith r-Hasayin, one 'Amar nd-Hajj Sriman, a rich man, married his daughter to Muhammadi n Si Siddiq nd-Hajj Sriman, a poor man and one of his agnates (i.e. his brother's son), in order to keep him as a servant[75]. The young man 682 [619] eventually killed his uncle. The tribal council was convoked, and its members punished the dead man's sons by imposing a 6000-peseta fine on them; and they in turn killed Muhammadi and paid another fine....During 662 his lifetime, 'Amar nd-Hajj Sriman, as well as his five brothers, had 623 on various occasions paid 400 duros to the jma'th to excuse themselves from participation in tribal wars.

661 c) A poor man made a goatherd of one of his younger in-laws,

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[114] 37--The jma'th, contrary to Blanco's statement, had absolutely nothing to do with the selection of cojurors by a man accused of a crime. He selected them himself, among his agnates, and if he did not have enough to fill the full complement, he got the remainder from that neighboring dharfiqth which was most closely related, patrilaterally, to his own.

695
[114] 38--The accused always chose his own cojurors, and here Blanco has made a serious error. An even more serious error, and one which appears to us almost classic among French writers on the subject, is a persistent tendency to confuse cojurors (izudjen or yuxshin n rimin) with witnesses (rshuhudh). The distinction between the two should be obvious to anyone, but apparently it has not been: if there is a witness or witnesses to any crime (and the Shari'a states that there must be either 12 ordinary witnesses or 2 'udul or notaries public, the testimony of one 'adl being worth that of six ordinary men), there is, ipso facto, no oath; for the accusatory testimony of witnesses always (quite naturally) overrides the denials of the accused and his cojurors. Furthermore, though the number of witnesses and the number of cojurors (in a murder case) are exactly the same, there is another paramount difference between these two categories of persons, wholly aside from the fact that the function of the ones is to accuse and that of the others is to deny: witnesses had to come from a different lineage or different lineages from that of the accused, while the cojurors of the latter were his agnates and thus his fellow lineage mates, aithmas, "his brothers", or aith 'azizi, or ibin 'azizithen, "the people or sons of his paternal uncles". The fact that the same number of individuals, twelve, was needed in each case may or may not have been fortuitous; but, in any event, it seems of entirely secondary importance.

A summary recapitulation of collective oaths (thzaddjith or rimin) as practiced among the tribes of the Central Rif will not be out of
[692] place. First of all, if one man accused another of any crime or misdemeanor, and the accused man denied it, they both agreed to go to their cantonal or Friday mosque, or any other mosque named by the plaintiff (izidjith), on the following Friday before the noon prayer so that the accused (izudj or yuxshar n rimin) could take oath. The plaintiff, furthermore, stipulated how many cojurors the accused should bring with him.

It appears that the number of cojurors was almost always either six (the accused himself plus five agnates) or twelve (the accused himself plus eleven agnates), the former amount of men being required in less important matters, such as theft of irrigation water or of livestock, or damage to the accuser's property, and the latter in cases of murder,
[114] as aforementioned. (When Blanco says five and ten, respectively, he is in error as to the exact amount, but correct regarding the proportion and the doubled number in suspected homicides.) Twelve was ordinarily the maximum number of cojurors, and murder the maximum offense necessitating this number, among the members of one tribe; but if an oath involved members of two different tribes, over matters such as large scale land disputes involving tribal boundaries, or intertribal murder cases, the number of cojurors which the accused had to bring was elevated to fifty (the defendant plus forty-nine agnates or fellow clansmen or tribesmen, the latter being far more ready to help out one of their own men in an extra-tribal crisis than in an intra-clan or even an intra-

5: Blanco Izaga G-4,5 (1914-1945) 1975 MX3 Rif MX3
Aith Waryaghar

634 Every man who carries a rifle drops whatever he is doing and
623 goes immediately to the council site, leaving his house, interests and
614 work in the fields to his women, who collect all their movable property,
619 animals and children, in case they have to move, and await the news,
562 quickly transmitted, with anxiety, while they decide upon their place
722 of retirement (usually the house of some relative) and form a line of sentries, together with the older children. Here they follow, with analogous emotions, the events of the fight, if there is one, and await its outcome....Once the men have arrived at the site of the
634 alarm, or more often at a generally determined meeting site (agraw),
623 they start to look, without orders or signals, for their kinsmen and
614 neighbors who have arrived or are just arriving. They are always
619 careful to seek a spatially dominant position, and remain grouped together some little distance from the other groups which are also being formed, completing a circle, in the interior of which only the chiefs, who are rapidly informed of the matter and of the opinions of their subordinates, may enter. Such opinions are impassioned ones, as they have been forged (in case of alarm) on the spur of the moment, on the basis of what those who echo them have heard, or on the basis of what is going on around them; one can distinguish the feverish voices of the kinsmen and friends of the injured party, who want immediate reparation.

634 In this heated atmosphere the delineation by the chiefs of the
623 matter at hand begins; they are attentive not so much to what happens
614 in their own little circle, but to the stormy atmosphere being created
619 on the outside one and pressing in on them....If the matter is one of
692

634 If the matter is one of
623 imposition of a fine, the deliberations are rendered longer, through
614 haggling, and more methodical, because in such an instance custom
619 decrees that half of it (i.e. the fine) goes to those who impose it,
692 the chiefs within the small circle, and the other half, to the injured
681 parties and their kinsmen (the sector, or the whole big outside
circle).[2 & 3]

1) War:

634 a) Declaration:--War surges up frequently from agraw meet-
619 ings; at times, a meeting terminates in rifle shots. This may not be
614 a very politic declaration, but, equally, it is not a very rare one.
623 ....Ordinarily, the separation and departure of those who have come
628 together and convened at a council meeting without having arrived at
721 any agreement is considered tantamount to a declaration of war, which all the threatening components hastily retire in order to prepare.... Only the later intervention of new emissaries can put off hostilities. This in itself is uncommon, because from the moment the meeting is theoretically over, disputes and quarrels begin in fact, and the life expectancy of such emissaries would thus become extremely slight.

628 b) Fighting:--Usually the plan of attack is instinctive,
721 logical and clear to all: the accusers, being warned and prepared beforehand, are the attackers and take the offensive, while the accused,
(624) surprised by the result, are on the defensive. No war chiefs have been previously appointed. The objective is clear and simple for every combatant, namely, to exterminate the opposite group and take over its property. Very soon combat parties are drawn up, through reasons of kinship, friendship and geographical proximity; at night,

616 The jma'th, the clan and the tribe, in spite of swamping
614 their territory with the blood of their brothers and fellow members,
619 are invariably and unchangingly preserved, for the desire of expansion
(621) on the part of their neighbors was always held in check by a tremendous fear of the liff, whose mysterious strength was never known pre-
616 viously[25]....And here we have a strange game or interplay between these
182 two types of liff, for while the individual type, with its sanguinary
628 feuds with neighbors, tends toward the disintegration of the social units involved, the general type remains permanent and intact, tending to neutralize or localize the hatreds which the quarrels of the individual type can engender.[26]

648 As today (1935) the central power (i.e. the Spanish Protec-
692 torate or Makhzin) is strong enough to put individual and group disputes
616 up to arbitration, guaranteeing the enjoyment of his or their rights
182 to each person or group involved, the general liffs are disappearing and the individual ones are weakening; but in my opinion, if any real commotion began, liff alliances would surge up anew, even though today they exist largely in the minds of old men.[27]

616 Robert Montagne, in Les Berbères et le Makhzen (p. 216), says of all this:

> "When we study the existence of little elementary societies, we are struck both by the tyranny exercised by the group over the individual and by the impotence of the former to keep away from anarchy. The liffs materialize and project on ground level, we might say, the two opposite and complementary tendencies of Berber life: the spirit of association and the taste for discord."

My own feeling on the matter, however, is that the liff system is the complement of the other two types of unity, family and kin group

4. QANUN OF THE JAMA'A OF IMHAWLEN[31] (AITH WARYAGHAR):

A) Qanun:

692 621 644 [693] Praise be to God. Those of the jama'a of Imhawlen appeared for judgment in front of both the undersigned notaries, and presented themselves to us: al-Hajj Shu'aib; Muhammad bin Muhammad bin Misa'ud and his brother Muhammadi; Qaddur bin ask-Shaikh Muhammad bin 'Abd as-Salam and his brother Muhammad; al-Muqaddam Muhammadi bin Muhammad bin Ahmad and his brother 'Allush; 'Abdallah bin al-Hasan; Muhammad bin 'Azzuz; Hammu bin Muhammad bin 'Ali and his uncle Shu'aib bin Shu'aib; Muhammad bin Muhammad bin Muhammad bin Musa; Muhammad bin Muhammad bin Ahmad bin al-Hasan; Muhammadi Amzzyan; Awlad al-Muqaddam Shu'aib bin Muhammad bin Shu'aib and their brother Hammu; Muhammadi bin al-Muqaddam and his brother 'Umar[83A], and their brother Hammu.

621 692 693 All these persons are of the jama'a of Imhawlen, and all appeared for judgment (at the present act), agreeing in behalf of what is good and advantageous to the making of the agreement, with respect to the hannash (evil doers; also snake charmers), to robberies and all acts of lowliness and ignominy (Blanco: note a).

685 687 In case any thief or smuggler should be caught in flagrante delicto, he must pay 10 mithqals in money (Blanco: note b).

695 Regarding the above, the interested parties testified. The Murabit Si Muhammad Dardushi and the Murabit Muhammad bin 'Abd al-Qadir al-'Azizi attended the present act with them. Whoever changes or alters this agreement must answer to God, who shall decree his punishment. Those who commit misdeeds (on earth) shall know the change in the other life (Blanco: note c).

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A, [A "83" apparently does not refer to any footnote here and therefore should be disregarded--Analyst]

695 Valid and complete testimony in virtue of which both instrumental witnesses bring testimony against them.

000 (Two illegible signatures follow.)

692 At the same time, they agreed that whoever should commit any of the wrongs (literally, "things") expressed herein, the case, together with him (the man who committed it) shall be taken to Sayyid Mhammad bin Musa[32] and Sayyid Ahmad bin 'Ali[33] (Blanco: note d).

685 Whoever enters an orchard with intent to rob shall pay 20 uqiyyas. If a bull should start to trample property adjacent to that 685 of its owner, the latter shall pay one peseta. 672

The guarantors (of the fulfillment of this agreement) are three. The Muqaddam Muhammadi bin Muhammad bin Ahmad, Hammu bin Muhammad bin 'Ali bin 'Abdallah, and Muhammad bin 'Umar bin Ahmad bin al-Hasan (Blanco: note e).

[681] Regarding the amount (of the fines imposed) with respect to orchards in cases in which they are injured by animals, this will be donated to their mosque (Blanco: note f).

If they should break a branch of a fig or other tree belonging to anyone, the owner of the animals will pay 20 (uqiyyas).

000 A signature in Arabic follows, which appears to be al-Bu Jma' bin Muhammad (signed).

B) Commentary:

671 The reading of this qanun clearly indicates in its first para- 621 graph the names of those who have established it, all of them members of the jma'th of Imhauren, bordering the Island of Alhucemas, in the 621 plain of the same name. Every two or three headmen or iziddifen (sing., 613 554 aziddif, "head") are the visible representatives of the lineage groups

which make up the said jma'th; they are at the same time the most influential and respected members of the community. Without any presidency, without rigid formalities, without oceans of ink or ridiculous voting techniques, this democracy of lineages, galled by necessity and convenience, knows how to unite the established social norms which have to regulate, in what follows, the relations between the different lineages.

It is thus a people's law, made by representatives of the community, surrounding the act in which it is originated with all the guarantee and formality for the satisfaction of the always suspicious mass and for the possible waylaying (in ambush) of its representatives. For this, and as a guarantee, a greater solemnity and public knowledge, two holy men are invited to and attend the meeting; they will keep the session from degenerating into a dispute because of the prestige which they enjoy, for the conclusion of the agreement, under which they place themselves, assures their guard and divine benediction. Even the most exigent will remain satisfied, closing the road to backbiting. Even more, in order to avoid forgetfulness or capricious modifications in matters of such transcendence, they draw it up in writing; it is easy to understand the genesis of the agreement and the development of the session in which it is taken. From that time to this, it is public feasting, a subject for all the commentaries in the village (households, watering places for women, and mosques), such as the numerous thefts in and damages to the orchards, the harvests of which are ready and which they fear will be wasted; these are events which are repeated every year at the same time and for which they are obliged to assemble in order to keep them down.

6. QANUN OF THE AITH 'ABDALLAH[45] (AITH WARYAGHAR)

A) Qanun:

671 443 [778] Praise be to the One God. The will and eternal power of Our Lord having decided thus, the congregation--in the Tuesday Market (Suq ath-Thulatha) (situated) at 'Ain Tihalalin[46], in the vicinity of (the tomb of) the holy emanator of blessings Sidi 'Amran[47]--of its owners, those of the clan of Bani 'Abdallah. (The latter) convened 623 443 (in the abovementioned market) with the idea of coming to agreement on 692 their criteria and on the purity of their actions in behalf of the 681 common good of all; and, as a consequence, they decided the amount of the fines to be imposed inasmuch as there should occur within the abovementioned market, or, indeed, outside it on the path (which leads to it), (Blanco: note a) incidents, premeditated or not, through error or imprudence, such as woundings and murders (which might happen) through gunshots, knifings, strangulations and stonings, (or, indeed), 682 pillaging and sacking. (Blanco: note b) To anyone who kills in the 443 interior of the market and is caught (literally, "had"), rashsha' shall [696] be applied to him (i.e. he shall be shot). If he has not been captured owing to having fled to another tribe (literally, "other tribes"), (they shall impose upon him a fine of) 2000 duros and his house shall be burned down to its foundations. (If he should kill) on the path (which leads to the market) he shall also pay (a fine of) 2000 (duros). Who- 683 ever should wound (another), (he shall be fined) 1000 duros. Whoever (shoots) and misses (his target), (he shall pay a fine of) 500 duros.

682 (Blanco: note c) Whoever of the Bani 'Abdallah should commit murder on Tuesday (i.e. on market day, the day of the suq) within the

695 693 capacity (i.e. of sound mind and memory) in order to testify.

(Blanco: note h) If, regarding a murder, there is brought sufficient proof (against the guilty party), the abovementioned fine shall be imposed upon him, and in case sufficient proof does not exist, he shall swear (for acquittal).[48]

805 443 782 (Blanco: note i) Regarding the abovementioned beginning (i.e. on Tuesdays), it is ended at the hour of the 'isha (i.e. at the dinner hour or hour of the sunset prayer). Amen.

805 000 On the sixth day of Ramadan the Magnificent of the year 1335 (June 26, 1917). Servant of his God, may He be exalted, Muhammad al-Ghalbzuri, may God be benevolent toward him, amen. (Signature). Servant of his God, "Abd as-Salam bin al-Hajj Muhammadi al-Ghalbzuri, may God be benevolent toward him. (Signature).

671 692 693 000 Legalization by the qadi. Praise be to the One God. (Both 'udul) have put down its contents, which are accepted and to which I give faith. Servant of his God, Muhammad bin 'Umar at-Tuzani, may God be benevolent toward him, amen. (Signature).

B) Commentary:

671 This qanun manifests in a clear way how social law is made among Rifians: where the legislators gathered to agree on it, how it was made public, whom it obligated, the jurisdiction in which it was exercised, the objective sought and the means of attaining it.

It enumerates the crimes and their sanctions, it distinguishes perpetrators and accomplices, provokers and auxiliaries, natives and 000 stranger. It eschews pardon, it demands proof and it shows the reality of the social unit, the "fraction" (author's italics--the translator

[See p.306-- Analyst]

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Any fisherman with dynamite is the owner of the fish and site of the explosion while he remains there. Fishermen with lines may not enter the radius of action of dynamite fishermen.

In fishing with explosives, the man who first sees the fish and stays to wait for them is entitled to remain in the spot observed. Nobody who has just arrived can shoot. For this reason, fishermen with explosives keep out of each others' way.

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G) Recovery:

Any object without a known owner which is abandoned or tossed up on the beach by the sea is the property of whoever finds it.

Any object floating in the sea is the property of whoever picks it up; and if there are several people who put their hands on it in order to hoist it onto the boat or drag it onto the beach, it, or the proceeds from it, are divided equally among all who have worked, in the last instance, among the crew and the boat owners; but a man who sees it from the sea, for example, has no right to it, as he has not helped to get it on board or ashore. Work, and not vision, is rewarded.

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H) Arbiters:

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Arbiters are men who are skilled in maritime questions and excellent mediators whose reputation, in addition to the reduced coastal limits of their tribe(s), is known and commented upon in all the villages of the neighboring tribes; and to them the inhabitants of these villages go voluntarily in order to submit their differences of opinion when these deal with matters relating to the sea.

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Those who had most fame in the Rifian coast were, long ago, the Ghmara, to whose ports of Taghza and Tigisas it was not uncommon

to see rival Rifian feluccas betaking themselves and respecting the verdict settled by some old seawolf, until they took over the doctrine and set up new clauses in the customary law and applied it with the same success spreading it in later times even to the Iqar'ayen; and finally one could see the Ibuqquyen going to Ajdir, submitting themselves to the arbitration of the so-called rm'addjim (Ar. m'allim), or master, who later reached the maximum position of being 'Abd al-Krim's Minister of Marine, during the Rifian War, this individual being the one who has provided me with most of the data to be found in this qanun. Among the Iqar'ayen the Ra'is Muhand n Bu Tahar of I'azzanen is well-known, and among the Ibuqquyen there is the pilot of Gardiner's yacht, l-Hadi n Dadi[117], and other old fisherman of the Aith Waryaghar and Ibuqquyen. These individuals were appealed to when the solutions of the ruyas (pl. of ra'is, or boat-masters) did not satisfy any of the parties in question.

I) Skills and Craft:

The net is an apparatus called dhrarsha. The procedure is analogous to that of Malaga, which renders its description unnecessary; the Rifians undoubtedly copied this through many trips to the latter place. I have seen it used in Badis and Qal'a Yirish, and the cut is exactly the same. The boat, called agharrabu, is a simple fishing boat; it weighs about a ton; its bow and stern are both well raised up and on a level with each other; it has two benches, a keel and a lateen sail, a mobile rudder; and it is some six meters in length. It is manned by four crew members and the master. On land, a sixth man is needed to put the cable down.

usufructed by 'Abdallah bin Ahmad Arhawif and his brothers Awlad 'Ali bin Ahmad[173], because the water of the latter is independent of that which was concluded in the agreement, proceeded to hinder it from those (individuals and social groupings) mentioned in the above pact, alleging that it was prejudicial to the water which was the object of the agreement.

He and the Sayyid Misa'ud bin 'Ali al-Ajdiri, wakil (legal representative) of the people of Ajdir and Imrabdhen, appeared for judgment before the servant of the Sultan (may God protect him[174], the Qa'id Muhammad bin 'Abd al-Salam bin 'Abd al-Sadaq and before the distinguished and good jurisconsults and other (persons), who advised them to work out an arrangement, as is ordered in the Book (Koran) and in the traditional law (Shar'), by whatever exists in it of benefit to both parties and by the fear of what could happen as a grave emanation from the quarrel. By virtue of this, the water cited above as the object of litigation shall be divided into three parts. One-third of it, the amount of which is that of four days of irrigation, is for the aforementioned Shaikh Muhammad and his associates in irrigation; and the other remaining two-thirds, the amount of which is that of eight days of irrigation, shall be channeled into the three irrigation ditches which were the object of the first agreement made, and which emanate from the springs of Bu Harishen.

In conformity with the above, the litigation was considered as finished, as mentioned above.

No trouble remaining between them, by virtue of the above, (as well as) no quarrel, no proof, nothing which could continue the debate

224 411 of these, and any Rifian worthy of his salt can knock down a partridge in full flight with noteworthy dexterity, and at a distance of fifteen to twenty-five meters.

(824) The sticks which they use are usually of wild olive wood, in the form of shepherds' crooks, backed by a few turns of copper wiring at each end and the upper third; and this at the same time increases resistence to breakage, facilitates throwing by its greater accuracy.... The net result is that the Rifian is as dangerous, or even more so, to game animals or birds than is the average European hunter with a double-barreled shotgun.

224 At the hour agreed upon, when every participant is provided with his corresponding weapon or dog, they all leave their houses and go toward the hunting site, crying "Haw-haw! Haw-haw!", which is the signal of hunting and reunion.

E) Ownership of Game Caught:[188]

Ownership of game which is caught follows certain rules which are based on a general principle attributing the game first to whoever discovers it; second, to whoever kills it; and finally, to whoever (578) collects it. In different (or individual) cases, disputes may take place, and these and the way they are resolved will be discussed (411) further on. The principal elements of judgment are the range of vision of the hunters, and the range of accuracy of the weapons, some fourteen stick-lengths, or forty feet in a stone's throw.

671 224 692 The customary law of Rifian society minutely anticipates how many cases may arise, and as, furthermore, it is inspired by reality, it is simple and useful, requiring of the judges, first, competence,

and, second, diligence, both of which are qualities also needed by judges of The Law[189], who, in order to manipulate their terrible weapon, the pen, need attitudes of repose, and sheltered places where they can keep their books and papers and even hide their faces.

Incidents which arise during hunts are examined most often by passing them to the mulu' of the same hunting party. He settles them on the spot, giving his judgment on the matter, and in the event that the question must go up in front of the imgharen, the latter limited themselves to doing their duty and to putting into effect the opinion of the mulu', a natural arbiter.

Thus it had to be; and if, for example, there was a hunting incident in the snow, the best possible proof of which was individual tracks or footprints, this required, on the part of the judge, diligence in copying or studying before it was rubbed out.

The usual sanction, all over the Rif, for hunting incidents is a fine of 25 pesetas.[190]

For the examination of different cases which tend to come up often, we have grouped them in the following categories, which facilitate consultation even though they are somewhat arbitrary.

F) Game:

1) A bird knocked down in flight within the range of vision of the hunters belongs to whoever hits it, until, having hit the ground, it flies up again, in which case, and if it is not wounded again, it belongs to whoever catches it.

2) If a bird or animal is hit simultaneously by several hunters, it belongs to whoever catches it; and if several people should catch it at once, it is divided among them (Aith 'Ammarth).

000 unlike the Central Atlas, there is no special time limit on repayment.

[614] 31--Imhawlen is the literal transliteration from the Arabic text, rather than the Rifian form Imhawren. The Imhawren are one of three subclans of the clan of the Aith 'Ari, of the lowland Aith Waryaghar; and the clan of the Aith 'Ari, along with that of the Aith Yusif w 'Ari, form a single khums or "fifth" in that tribe.

776 692 32--Sidi Mhand u Musa (died 1254 A.H., or 1838-39 A.D., according to one informant), the apex of the lineage of Izziqiwen of the clan of the Imrabdhen. Sidi Mhand u Musa is buried in Aith Hishim and is one of the most important saints of the Aith Waryaghar. As the text indicates, he adjudicated disputes and settled feuds (between the Aith 'Ari and Aith Yusif w 'Ari clans); and he is said to have had a great deal of baraka, which, in accordance with Rifian notions of baraka-transmission, was successively passed down to only one descendant at a time: from Sidi Mhand u Musa to his grandson Sidi Misa'ud, bypassing his own son Sidi Siddiq; then to Sidi Misa'ud's son Sidi Hmid n Sidi Misa'ud; then to Sidi Siddiq's son, Sidi 'Abdssram n Sidi Siddiq; on the latter's death, to his son Sidi Muhand; on the latter's death to his son Sidi r-Hajj 'Amar, who was made qa'id of Imrabdhen by the Sultan Mulay 'Abd al-'Aziz; and then to his brother Sidi Muhand.

776 792 Some informants say that Sidi Mhand u Musa and his descendants are the only true shurfa among all the Imrabdhen in the Aith Waryaghar, and that they have the right to their share in the sunduq or box of Mulay Idris for this reason. The share in question is divided up every year at the time of the Mulud: either a representative of the Dharwa n Sidi Mhand u Musa goes to Fez to get it, or, as the descendants of Mulay Idris are said to have a complete listing of those entitled to such shares, they sent them out. The shares are the same every year, but informants were unable to tell me the amount (a fact which in itself casts suspicion on the legitimacy of their claim to be shurfa). When the allotted amount arrives in Aith Waryaghar, it is divided into four parts: one for the descendants of Sidi Misa'ud ("Burjila") n Sidi Siddiq n Sidi Mhand u Musa (the Iburjilathen of Aith Hishim), one for the descendants of Sidi 'Abdssram n Sidi Siddiq n Sidi Mhand u Musa (also in Aith Hishim), one for the descendants of Sidi Haddu n Sidi Siddiq n Sidi Mhand u Musa (in Zawith n Tashtiwin, in the subclan of Aith Tmajurth, in the clan territory of Aith 'Abdallah, and in Swani, where the Plain of Alhucemas meets the Mediterranean at the mouth of the Nkur River, in the clan territory of the Aith 'Ari), and one for the descendants of Sidi Muhammad n Sidi Siddiq n Sidi Mhand u Musa (in Aith Hishim).

000 33--The reference here is probably to Sidi Hmid n Sidi 'Ari n Sidi Musa n Sidi Hmid l-Qurumi, the father of Sidi 'Abd r-Qadar Agnau, of the lineage of Aith 'Aziz in the subclan of Upper Imrabdhen. Both father and son are buried in the Zawith n Sidi 'Abd r-Qadar, located in the subclan of Iraqraqen in the clan territory of Aith Hadhifa.

Once again, with Sidi Mhand u Musa and Sidi Hmid n Sidi 'Ari, both subclans of Imrabdhen are represented, no doubt in order to give greater validity to their roles as adjudicators, but also to the qanun itself.

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584 depending on the hour, return to their respective homes or stay
583 overnight as guest of the bride's father.

584 Once the financial arrangement has been settled, the rep-
583 resentatives of both families go to the religious judge (qadi)
692 in Alhucemas or Targuist and present him with the list of obli-
gations the groom's family has accepted. The young couple are
also supposed to attend this meeting, and in the urban centers
it is obligatory. However, judges who serve tribal areas are
rather relaxed about such attendance and are satisfied if the
fathers are in agreement. It is a rule of thumb that judges
[671] who serve rural Berber areas allow customary procedures to pre-
vail over civil law if the matter does not infringe upon the
security of the state.

584 At this point the groom's family begins to collect the
583 necessary goods for the wedding celebration. This process may
369 take some time, and over a year may pass between the initial
184 agreement and the completion of the stipulated requirements
of the groom. This is, however, quite rare and seems more
584 associated with Berbers living in the city. Among the fellah
585 the marriage has been contracted for good reason and it is
thought best to consummate it as rapidly as possible Often
the marriage ceremony takes place less than a month after the
meeting to determine the expenses.

585 When all the money and goods have been collected, both
583 parties meet with the qadi again, two or three days before the
692 wedding ceremony. The qadi checks off all the items to make sure

585 that the groom's side has complied with the original agreement.
[583] Once he has satisfied himself that all is in order, he signs
[692] the necessary marriage document. At this point the couple are
[184] legally married and many poor urban matches terminate here. In
[369] the Rif, however, the marriage is not socially sanctioned until the wedding ceremony is held.

585 By now, the groom's family has incurred several different
583 types of expense, although none of them is exactly 'bride-price'
431 or a payment to the bride's family to compensate for her loss. The first sort of payment is the gift, or zattat, given to the father to put him in a receptive mood. This places the recipient in obligation to the giver, although the Riffians seem to attach no binding commitment arising from this and a father can receive such gifts from an unlimited number of suitors. The second expense is the sdaq, which is in cash and devoted, at least in the Central Rif, exclusively for the purchase of objects to set up the new household. The final type of expense involves ceremonial costs for the wedding party.

585 - - The wedding celebration or thamagra is held in the late
[221] summer and early autumn after the harvesting of the cereals and while the weather is temperate. For several days prior to the
585 ceremony both the bride and groom, separately but with a group
574 of their friends, go from house to house within their dchar. Often the two parties go on a circuit of the same houses at the same time, although this is not always followed. When they do go to the same houses, the girl's party precedes the male group

556 request and frequency of demand, the better-off families have
576 the social obligation of providing for any itinerant traveler,
574 whether he be teacher, student, or pilgrim. The exchange is, of course, not one-sided. By providing for men engaged in religious pursuits one enhances one's own piety and reputation within the community. The travelers also provide sources of news and gossip and on occasion religious instruction.

An analogous obligation which involves persons within the
556 community rather than strangers is that of the protector. In
554 modern times this has meant that certain prominent men in each
571 Berber community have the social duty of acting as intermediary between the people of the community and the external government, or in effect between the fellah and the Caid. Caids, as the most
631 immediate representatives of the Moroccan state at the local
692 level, are given certain judicial powers. They can adjudicate marketplace disturbances such as thievery or fighting. They can have any man in their district brought in by the soldiers assigned to them. They can assess fines and imprison a man for up to five days without a judicial hearing (sentences of longer duration can only be assessed by the secular qadi in Alhucemas or Targuist). If judicial action of this sort is taken against
631 a member of the community his family will go to a prominent local
692 man. By making presents of goods or animals to this man, he is
556 placed in the position of protector and is under traditional
554 obligation to intercede on behalf of the petitioners. This form
571 of mutual support between local lords and the community was much

631 more dramatic in the days of blood feuding when the same mechanism
692 was used to acquire allies. The interference of a locally promi-
556 nent man is generally efficacious since government representatives
554 attempt to minimize local hostility. An open confrontation
571 between a local lord and a state representative generally leads to the dismissal of the latter. In neither of the two locations where I spent extended periods of time did the caid stay in office while I was there. In one of the two fractions the caid changed three times. The balance of political power is weighted towards the locally prominent, for the lords of the old bled-as-siba represent the highest rung of the informal but powerful traditional structure of leadership while the caids and pashas represent the lowest level of the other form of government, the formal bureaucracy.

641 The national government is well aware of the actual dual
648 organization of political power in the country. While every
556 Moroccan may have equal status based on constitutional law, he
619 does not have equal status in terms of customary law. This social fact is exemplified by the ceremonies held in Rabat where dignitaries from all across Morocco are called upon to attend such celebrations as the King's birthday, Aid al-Kebir, or the promulgation of a new law. On such occasions, depending upon the size of the tribe or fractions, one, two, or three men who represent the traditional power structure are royally commanded to be in attendance. Such meetings are ritualized reenactments of the loyalty of the populace as expressed through its local leadership.

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/Footnote 1 continued./ Doutté thinks, on the contrary, that it is a matter of a purely Berbère /Berber/ institution and one that is explained by the sacred and redoubtable character of the woman.

Several markets reserved for women exist among the Beni Ouriaghel of the Rif in a very Islamized region.

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In the Rif, where anarchy develops spontaneously and spreads much farther than in the South of Morocco, the protection of the markets is the occasion chosen by the tribes of the vicinity to conclude an alliance, a "ribat." But here again in these meetings appear leaders charged with judging the differences that can arise in this turbulent assemblage of armed men.

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For example, the Targist market, which has particular importance since it is found at the crossing of the principle routes of passage in the region of the Haut-Ghis, is under the supervision of "amghars" especially designated by three neighboring tribes, the Beni Mesdwi, Targist, Zerqet. These chiefs hold their meetings in an isolated "tahanout," and on their initiative the public crier announces to all the established rule: "O Mussulmans! Know that there /253/ exists among us an agreement concerning the souq /sook/ of the Oued, valid for three days, Tuesday, Wednesday, and Thursday. He who kills someone must pay 2,000 Spanish douros; if he only wounds him, he gives 1,000 douros. He who stops a drover of beasts during these three days must give back the other's property and pay 500 douros in fines; for our market is a market where peace prevails, O Mussulmans! and each one can verify this with his own eyes. May God blind the one who does not wish to see!" In spite of these precautions, however, shots burst out sometimes and the souq is broken up; when incidents occur again, the market disappears, to the great loss of the inhabitants of the country (1).

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1. It is known that likewise in Kabylie /Kabylia/ the surveillance and the policing of markets are

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